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ment inside.

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## ENGRAVERS.

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HONOLULU LODGE No. 614, B. P.  
O. E., will meet in their new hall, on  
Miller and Beretania streets, every  
Friday evening.  
By order of the R. R.  
H. D. COUZENS, Secretary.

## WILL NOT PROSECUTE

### Settling Custom Cases Out of Court.

### PENALTY OF \$200 IS ACCEPTED

### Japanese Alleged to Have Imported Spirits in Sake Package.

The prosecution for offenses against the customs laws is discontinued in a written opinion given yesterday by United States District Attorney Dunne at the request of Collector Stackable. The matter will be referred for a final decision to the Secretary of the Treasury at Washington, as the question is one of considerable importance.

This is a case where K. Wakabayashi was alleged to have imported spirits in a package said to contain sake, and Collector Stackable wished to begin prosecution because of the alleged violation of law, whereupon the full amount of the cash bond was tendered in settlement. This was refused by the collector, but the United States attorney advises its acceptance and submission to Secretary Gage in the following opinion:

Honolulu, H. T., Dec. 17, 1901.  
Hon. E. R. Stackable,  
Collector of Customs,  
Port of Honolulu, Hawaii:

Sir—I have the honor to acknowledge the receipt from you for collection, in accordance with Art. 1572, C. R. 1899, of a certified copy of the bond of K. Wakabayashi, dated Nov. 27, 1901, for six months, in the penal sum of \$200, with the Pacific Surety Co. as surety, to cover delivery of unexamined packages.

You state the facts of the case to be as follows: The above named principal imported certain merchandise per S. S. "China," of Nov. 9, 1901, a part of which was delivered in accordance with customs regulations. You state that "this office has reason to believe that one of the packages alleged to have contained sake contained spirits, and is an illegal importation under paragraph 239, Tariff Act of July 24, 1897. Accordingly, the importer was requested to return the package in question to this office, and his broker reported for him that the contents of the package had entered into commerce, and that it was impossible for him to comply with the conditions of said bond." In this communication, which is dated Dec. 12, 1901, you enclose a copy of Bond No. 532, and request that I commence proceedings to enforce the provisions of the bond.

In subsequent communication, dated Dec. 14, 1901, you do me the honor to observe: "Referring to my letter of the 12th inst., I have the honor to transmit herewith, for your consideration, the letter of the Pacific Surety Company, by its attorney, W. J. Robinson, wherein they request me to have the bond of K. Wakabayashi in order to avoid litigation, viz., \$200. I have to state that I fall to find any authority of law authorizing me to accept the amount of the penal sum of the bond in settlement of this matter, and will thank you for an opinion as to the proper course to pursue in the premises."

The communication of the Pacific Surety Company, by its attorney, Mr. Robinson, after referring in general terms to the matter under discussion, proceeds to say: "In order to avoid any litigation which might ensue as a result of placing the matter in the hands of the United States Attorney, we herewith voluntarily tender and pay over to you in cash the sum of \$200, being the full penal sum of the bond referred to."

The Pacific Surety Company, by its attorney, then proceeds to discuss the propriety of laying the entire matter before the Honorable the Secretary of the Treasury, for readjustment. This communication from the Surety Company is dated December 12, 1901.

I regret to say that the pending pressure of the Pearl Harbor Commission, and other matters demanding attention, has prevented me from replying earlier, and now prevents me from discussing this subject matter as fully as I should wish. It seems to me, however, in view of the tender of the Surety Company, that the acceptance of this tender would be productive of results to the government equivalent to those which would flow from successful prosecution of the bond; that no higher satisfaction to the government could result from the proposed litigation than would result from the acceptance of this tender; and that, therefore, a resort to litigation would be vain and unnecessary. If some good purpose could be subserved by the proposed litigation, one could appreciate the propriety of its institution; but since the most complete success of such litigation could result in no higher advantage to the government than the collection of this bond, it would seem in view of this voluntary tender, that the institution of unnecessary legal proceedings would be at variance with the spirit and intent which pervades the customs regulations. Revenue laws are to be fairly construed, so as to effectually accomplish the intention of Congress, and to insure the observance of the law; but even revenue laws imposing forfeiture for fraud, are not technically penal, so as to call for a harsh construction (C. R. 1899, Art. 1482). Indeed, it is the avowed purpose of the regulations "to avoid the institution of unnecessary legal proceedings, and the expenses incidental thereto, in all cases of penalties secured by voluntary payment thereof" (Id., Art. 1486).

(Continued on Page 14)

## THE NEW HALL BLOCK NOW IN PROCESS OF CONSTRUCTION



The new Hall Building for E. O. Hall & Son, Ltd., is rapidly arising on its historic site, southeast corner of Fort and King streets, this city. Only four months have elapsed since their then newly erected two-story structure was totally destroyed by fire, yet so promptly were steps taken to rebuild that the new three-story structure herewith depicted is already up to the third floor level in some portions.

The entire construction is of a substantial nature adapted to the business of the firm, and the planning is such as to afford abundance of light and

ventilation in each story. A fine light basement extends under the entire building. The interior finish of the first story will be of quarter-sawn oak and the broad oaken staircase will be one of the noticeable features. Elevator service is provided from basement to top story.

The interior walls, ceilings, girders and columns will be incased with expanded metal lath and plastered, thus reducing the danger of a rapid spread of fire to a minimum.

The exterior facades of the building are a free interpretation of the best Spanish Renaissance, with its broad

projecting and highly enriched cornice surmounting a series of pilasters, between each of which occur windows, with pediments and architectural classic proportions. All of the windows on the fronts will be glazed with plate glass, and the wall surfaces and enrichments will be treated in cement stucco, executed in the manner in vogue in Bavaria, where examples of this class of work may be seen several hundred years old.

The building is being erected by Fred Harrison, contractor, under the plans and supervision of O. G. Traphagen, the architect.

## WHAT IS KNOWN ABOUT THE KONA STORMS OF HAWAII

"The study of meteorology in the Pacific Islands is a misty subject," said Curtis J. Lyons, government meteorologist, yesterday evening. "It is yet in its infancy, and much of the work is done by theorizing and relying on past experience. The subject is better gauged in the States, where the telegraph is in operation, for the approach of a storm there can easily be heralded. Here we know little of the movements of storms across the Pacific until they are almost upon us."

"If the cable is laid and a station established in the Midway Islands, we will be in better shape than at present to give more exact knowledge of the approach of storms from or near that group, whereas the storms on the Atlantic ocean are perfectly known, the Pacific has been studied but little in this respect."

"The Kona storm about which people speak so much at this time of the year, is a native designation for a storm coming up from the southwest. Kona means simply the southwest part of the compass. It is an old Hawaiian term, the same as 'Tonga,' in the South Seas, and 'Baratonga' which virtually means 'down to the southwest.' Here it also means the southwest district of an island, Honolulu, for instance, being the Kona district of Oahu, or practically the southwest part of the island. The natives call a wind from the southwest a 'makani Kona.' The Kona storm is a revolving disturbance. The general movements of storms across the North Pacific is from west to east. The movement of the storms in the middle region of the Pacific are not well understood, as yet. To get at the real facts about the North Pacific storms they must be considered

as divided into two classes as known at present. Of the summer storms, the typhoon class originates east of the Philippines, passes up through the China Sea and over to Japan, and thence on northeast to the Aleutian Islands, meeting the American coast near the Sound.

"The winter storms come down from the central table lands of Asia and proceed eastward. One has been traced from the China Sea across the Pacific, over the American continent to the Great Lakes. There is also the revolving storm which revolves in a direction contrary to the movement of the hands of a watch. On the southeast side of a storm you will have a southwesterly wind, and on the southwesterly side you will have a northwesterly wind, and so on.

"On the mainland, observers know and are informed by telegraph of the presence of a storm, its location and direction, and just how far off the center of the storm is. But we are all in the dark about that here. We have to theorize, and judge of the future from past experience, according to the time of the year."

"Here we are apt to get the extreme southern edge of this storm disturbance with a westerly wind for a few days, and then it goes off to other parts. During this time the trades would be suspended, after which they would return with a north wind."

"The storm last February was first a southeast wind, but which the natives do not call a Kona; they call it Klu. That storm evidently came from the southwest, and then as it moved to the north we had a southwest wind developing into a regular Kona."

"The Kona wind in Honolulu is not violent, because it is deadened by the high mountains directly behind the city. Across the Maui Isthmus, however, and the north part of Hawaii, the Kona sweeps with terrific force. It is violent when it sweeps between two mountains. It blows harder on the Koolau coast of Oahu than on this side, which is due probably to the wind sucking downward

after passing over Honolulu and the Pail beyond. We cannot tell much about the strength of a Kona, except by the movement of the clouds. In years past it frequently blew down houses. A real Kona would mean a perfect gale. These storms are usually accompanied by rain. They have sometimes lasted a week, and even two weeks—a steady blow. The weather has been too dry lately to cause a Kona, and what we felt lately was probably just the ragged edge of a revolving storm."

## DISTRICT COURT.

### Judge Wilcox Rebukes a Complainant for Mercenary Motives.

In the District Court yesterday the case of S. Kalaikini, charged with malicious injury, was continued until today. Defendant is alleged to have damaged an awning, the property of a Portuguese named Truschler. Defendant, who is only a boy, stated that he climbed up the awning to help his little brother down, and that it collapsed.

Judge Wilcox refused to commit defendant for trial, remarking that it looked very much as if complainant had brought the case into court in order to make money out of the boy. He advised him to amend his bill for damages, and said that an unsafe awning was a menace to the public, anyway.

Valentin Rodriguez, charged with assault and battery on Henry Lancaster, was remanded until today.

Judge Wilcox asked defendant if he understood English, to which query he replied in very excellent English that he did not, and that he needed an interpreter.

Other cases disposed of yesterday were:

Pedro Rodriguez, Bonita Naya, assault and battery on J. Ramos, \$10 and costs; E. C. Bertleman, assault and battery on Mary Bertleman; Ah Hung, assault and battery on Doko, December 18; Manuel Rodriguez, headless driving, December 18. Walter Gill, drunkenness, bail forfeited.

## TRIED TO FLIT.

### Local Harness Maker Taken in Custody Just Before Kinau Sailed.

Yesterday's arrests included: A. Will, assault and battery; Andrew Sajewich, larceny, second degree; W. Turner, S. K. Upa, W. Cook, drunkenness; John Hapa, assault and battery on Santiago Isalte.

Andrew Sajewich was arrested at the Kinau wharf, just prior to the vessel's sailing. He was suspected of having stolen leather, the property of the Club Stables, where he was recently employed as harnessmaker. In his trunk were found sheets of leather of the value of \$5.

John Hapa, a police court notoriety, will appear before Judge Wilcox this morning as a defendant, for the first time for quite a while. He is alleged to have committed an assault on a Porto Rican.

## Independent Order of Foresters.

The election of officers last night of Court Hawaii No. 378, Independent Order of Foresters, resulted as follows: F. W. Weed, J. P. C. R.; Julius Asche, C. R.; C. W. Weatherwax, V. C. R.; L. H. Mesick, R. S.; John Hills, F. S.; Rev. G. L. Pearson, Orator; J. M. Webb, Treasurer; J. W. Abernathy, S. W.; C. J. Day, J. W. A. R. Hancock, S. B.; A. E. Carter, J. B.; C. W. Weatherwax, C. D. S. C. R. The installation will take place on Tuesday evening, January 7, 1902.

## HUMPHREYS TO RESIGN

### First Judge Will Send Papers to Capital.

### WANTS TO QUIT IN THE SPRING

### Many Candidates Are Out for the Place and Old Fights Are Revived.

Judge A. S. Humphreys, First Judge of the First Circuit Court, will send his resignation to the Attorney-General of the United States in the mail which goes to the coast on Friday. This decision is said to have been reached recently and has been made known to many of his friends in political life in the city. It is said to be the intention of the Judge to re-enter the practice of the law, though it is intimated that he will spend some time abroad before making any combination which is to lead to a lasting partnership.

The fact of the approaching change in the office of the first judgeship has been common knowledge among certain lawyers for several days past, having been talked of as a thing which was expected to come to pass for several months. One of those who knows the intention of the Judge is T. McCants Stewart, to whom the decision of the occupant of the bench was communicated within the past ten days. Stewart said yesterday that the matter was not given to him as a secret in any way, but as a matter of decision just reached by the Judge. He said further that it was his recollection that the resignation, which is to be sent forward is to take effect upon the first of March next.

Already there is much gossip about the successorship, the amount of work which was done in connection with the third judgeship standing the many candidates well in hand now. It is the common belief that with the presence of Edgar Cayless upon the scene, owing to the many friends he has among Western members of Congress, he has a great chance for one of the two places, which will be made available by the resignation of the first Judge. Many attorneys are of opinion that there will be more done during the stay of Sam Parker and George A. Davis in Washington than merely to look out for the interests of the Kohala water proposition.

Among the candidates whose names are freely talked of in this connection are the chances of W. J. Robinson, United States Court Commissioner, are liked by a great number of the attorneys who are discussing the matter. There has been a great mass of endorsement sent to the Capital for Robinson, and his friends appear to be confident that with a vacancy, and a new place to fill, there will be no question but the commissioner will be one of the men chosen. Mr. Thompson is another candidate whose chances are thought to be fair, as it is reported that strong endorsements from the bench have gone in his favor. Before leaving for the States Thompson said he was not in the fight, as he wanted to devote his attention to the practice of the law, and a partnership was said to have been formed between him and Thos. Fitch for that purpose.

There are many persons who are of opinion that the Judge of the First Circuit, when he retires, will become a member of this partnership.

Incidentally it is recalled that Judge Humphreys stated in an interview some months ago that if he resigned it would be in favor of Alfred Carter.

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## NOTICE OF ASSIGNMENT

NOTICE IS HEREBY GIVEN THAT A. V. Naphthal, widow of Honolulu, Island of Oahu, Territory of Hawaii, has made an assignment to the undersigned of all her property for the benefit of all her creditors, and all persons having claims against said A. V. Naphthal are hereby requested to present the same, duly authenticated, to the undersigned at Honolulu, aforesaid, within one month from this date, or they will be forever barred. All persons indebted to said A. V. Naphthal are hereby requested to make immediate payment to the undersigned at Honolulu, aforesaid.

Dated Honolulu, December 9, 1901.  
EDMUND JOHNSON,  
Assignee of A. V. Naphthal.  
Residence—Hotel street and Adams Lane.  
Box 622.  
8037—Dec. 11, 18, 25; Jan. 1, 8.